Mr. P. R. Goda Varma Raja : Sir, I move that the Bill be referred to a Select Committee consisting of the following members :—

1 Mr. M. Govindan
2 Mr. C. N. Thuppan Namboodiri
3 Mr. M. K Ananthasiva Aiyar
4 Mr. K. M. Kesavan
5 Mr. Kochikal P. Balakrishnan Tampi
6 Mr. Kottur Kunjukrishna Pillai
7 Mr. G. Narayana Aiyar
8 Mr. Kallur Narayana Pillai
9 Mr. P. G. Rama Varma Raja
10 Mr. Haji Hassan Yacoob Sait
11 Mr. A. Eswara Pillai
12 Mr. P. R. Goda Varma Raja
13 Mr. Puthupally S. Krishna Pillai

Mr. Kottur Kunjukrishna Pillai : I second the motion.

The motion was put and carried.

Mr. P. R. Goda Varma Raja : Sir, the Select Committee may be instructed to go into the question of marriage and dissolution also.

Mr. Puthupally S. Krishna Pillai : Sir, there can be no objection to such an instruction being issued to the Select Committee.

Mr Kottur Kunjukrishna Pillai : Should there not be a time limit?

President : That is coming. Does the House agree to the instruction being issued?

The motion was carried.

Mr. Puthupally S. Krishna Pillai : The time limit may also be fixed by the mover.

Mr. P. R. Goda Varma Raja : Two months may be fixed for submission of the report.

President : Why should there be two months?

Mr. Puthupally S. Krishna Pillai : I do not think two months will be necessary, but it is by way of abundant caution that a period of two months is fixed.

The question that the Select Committee Report be submitted in two months was then put and carried.

THE CHRISTIAN SUCCESSION ACT (AMENDMENT) BILL.

Mr. K. K. Kuruvilla : Sir, I move for leave to introduce the Christian Succession Act (Amendment) Bill.

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The Christian Succession Act was passed about 24 years ago. Even when that Act was passed there was a good deal of difference of opinion about the economic status of women. The president of the Select Committee, Mr. Cherivan, himself spoke against the Act as it was then passed. The Bill, passed on similar lines in Cochin, was also opposed by the President of that Committee, Rao Sahib P. I. Varghese. Mr. E. J. John very strongly protested against certain items of the Bill and said "to give a life estate to a widow would be inviting complications and litigation which necessarily attend upon life estates and the chances are that in such cases, the property will be allowed to deteriorate".

Even such a great leader as the late Venerable Vicar-General protesting against the report by the Select Committee said that the Act may be reconsidered after 25 years. It is now 24 years and the Christians should revise their attitude about the economic status of their women.

I have attempted to bring this Bill on account of my personal knowledge of the difficulties of women in our community. The first difficulty is that when a man dies intestate there is invariably conflicting feeling between the sister-in-law and the sister. I have had occasion to visit several homes in order to settle such disputes. The brother himself is some-times indifferent to the marriage of the sister because of financial difficulties. There is still further difficulty in this, for when a man dies intestate the part of the property to be given to his daughters should be one-fourth or 5,000 whichever is less. Suppose a man dies intestate leaving a lakh of Rupees. The girl will get only Rs. 5,000. Then there are also certain difficulties for the mother or the widow. Suppose a mother has four or five children who are supposed to look after her. But it is very seldom that the sons do it satisfactorily. The sons may invite the mother to live with them but there is invariably a struggle between the daughter-in-law and the mother-in-law.

One serious objection to this is what has been mentioned by my honourable friends in connection with the Kshatriya Bill, namely fragmentation or partition. If a man has got five children the property could be divided among the five. If he has got two daughters also, is it dangerous to divide the property among the seven? I understand that in countries like Norway there is legislation to the effect that no fragmentation shall be effected beyond a certain amount. We also want to introduce a minimum below which there will be no partition. If the land is too small one man should buy up the whole property or better still the whole property may be purchased by one of the heirs if he has money. The effect of the legislation on the Nayar community has been felt by them

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[Mr. K. K. Kuruvilla.]

and I think it is to be only a passing phase. I shall quote my experience. I have a neighbour Nayar family. They sold 50 cents of land. I thought it was wise they sold the 50 cents at Rs. 15 a cent, and they purchased land in some other place at Rs. 5 a cent.

Mr. Kottur Kunjukrishna Pillai: What will be the number of people who can purchase like that?

Mr. K. K. Kuruvilla: I do not know. I do not feel free to speak about other communities. I cannot claim to have more knowledge about that community than the members of the community itself.

It is not by refusing our women the rightful portion of their property that we can help them. I claim that a girl has as much right as a boy. It is with the view of safeguarding the interests of our sisters and widows that I have introduced the Bill.

Sir, I have only one more point to mention. I fully agree with what the Dewan-President stated about fragmentation of our holdings. But this also must be said that the value of wealth is in the development of human personality. If by with holding the true economic status of our women we are withholding the personal development we are not helping them. I beg leave to introduce the Christian Succession Act (Amendment) Bill.

Mr. James Fletcher: Sir, I second the motion. It is true that the daughter is not given equal right with the son. In the Indian Christian Act of British India the son and the daughter get equal share in the property of the father. But the Christian Succession Act of Travancore, Section 28, says that the Stridhanam due to a daughter shall be fixed as one-fourth. She gets one-fourth or Rs. 5,000 whichever is less. Because the share of the daughter is less than that of a son at the time of the marriage of the daughter the bride-groom claims a large Stridhanam.

If he knows that his wife will be given a share of the ancestral properties, he may not care even to claim Stridhanam. He would be satisfied with his wife's share in the property of her father. Therefore the present Bill would set at right many inequalities and many grievances which are now prevalent in the community with reference to the women folk. With these words I support the motion.

Mr. Puthupally S. Krishna Pillai: Is a married daughter in a more advantageous position than a son? After marriage does not the daughter get the right to be maintained by the husband, get a charge on the deceased husband's estates when the husband dies and various other advantages which are not available to a son, that is her brother?

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Mr. James Fletcher: If the sister is married in a rich family, she may get all these privileges. But on the other hand if she is married in a poor family what will be the result?

President: I do not think any further discussion on the subject is necessary at this stage.

The motion was put and carried.

RESOLUTIONS ON MATTERS OF PUBLIC INTEREST.

Mr. G. Narayana Aiyar: Sir, I move the following resolution:

"This Council recommends to Government that stenographers be appointed in all Munsiffs' courts in the State."

President: It is one thing for a judge to have a stenographer and another to make him dictate short judgments. There was a practice on the original side of the Madras High Court, excepting in cases of considerable importance where large issues arose for determination, as soon as the case was heard, that every judge dictated his judgment. For some reason or other, many judges gradually forsook that practice with the result that the stenographer is not used as much as before in the Madras High Court. Although one does not want to generalise as to the Travancore High Court—my experience as a practitioner there is limited—one does not hear of many judgments dictated by the judges. It would have been better if the suggestion were to start the practice from the top, that is, first the High Court, then the District Courts, and finally to deal with the Munsiffs' Courts. It must be borne in mind that dictated judgment is likely to be more prolific and disjoined than a written judgment unless the judge has acquired the faculty of dictation. I think the suggestion would have been more acceptable if it were to start with the High Court downwards.

Mr. G. Narayana Aiyar: Order XX rule 2 (1) directs that "the judgments shall be written by the judge in his own hand in the language of the courts or in English." The Munsiffs in British India and in some of the Native states have been given the privilege of dictating judgments and they need not write judgments in their own hand. As per the recommendation of the Law's Delays Committee which was published in 1931 the provision of the abovesaid rule was recently modified by the High court with the sanction of Government. By that amendment the Munsiffs are not bound to write judgments in their own hand. What the Law's Delays Committee has stated in their report is worth being quoted in this connection.

The Law's Delays Committee which submitted its report in 1931 says as follows on page 193 of their report.

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